

SENATE BILL 340

By Watson

AN ACT to amend Tennessee Code Annotated, Title 4,
Chapter 29 and Title 37, Chapter 5, Part 3, relative
to the state community services agency.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 4-29-232(a), is amended by deleting subdivisions (20), (27), (28), (29), (37), (39), (40), (43) and (55) in their entirety.

SECTION 2. Tennessee Code Annotated, Section 4-29-233(a), is amended by adding the following language as a new subdivision thereto, as follows:

() State community services agency, created by § 37-5-304;

SECTION 3. Tennessee Code Annotated, Section 37-5-302, is amended by deleting the section and by substituting instead the following:

37-5-302. The purpose of this part is to provide a mechanism to facilitate the provision of services for children and other citizens in need of services in Tennessee through a centralized agency.

SECTION 4. Tennessee Code Annotated, Section 37-5-303, is amended by deleting subdivision (5) and by substituting instead the following:

(5) "Executive director" means the chief administrative officer of the community service agency.

SECTION 5. Tennessee Code Annotated, Section 37-5-304, is amended by deleting the section and by substituting instead the following:

37-5-304.

(a) The commissioner is authorized to establish a state community services agency as provided in this part. This agency shall provide coordination of funds or programs for the care of the citizens of the state.

(b) The state community services agency shall be a political subdivision and instrumentality of the state. As such, it shall be deemed to be acting in all respects for the benefit of the people of the state in the performance of essential public functions, and shall be deemed to be serving a public purpose through improving and otherwise promoting the well-being of the citizens of the state.

SECTION 6. Tennessee Code Annotated, Section 37-5-305, is amended by deleting the section and by substituting instead the following:

37-5-305.

(a) There is hereby created within the state community services agency a body politic and corporate to be known as the state community services agency board.

(b) The board shall be appointed by the governor and consist of twelve (12) members, who may include, but not be limited to, representatives of the areas of law enforcement, mental health professionals, local education agencies, local courts, social workers, advocates, health care providers, consumers of services provided by the state community services agency or persons having specialized knowledge or expertise in the service areas and public and private agencies that provide services to persons in need of services in Tennessee. The members shall be appointed with a conscious intention of reflecting a diverse mixture with respect to race and gender. The governor shall consult with county and municipal mayors before making any appointment to the board.

(c) The term of a member of the board shall be four (4) years with the terms staggered so as to replace no more than one fourth (1/4) of the members each year. Members of the boards may be reappointed after their terms expire.

(d) Members of the board shall continue in office until the expiration of the terms for which they were respectively appointed and until such time as their successors are appointed.

(e) Vacancies occurring on the board by such reasons as death, resignation or lack of active participation, as determined by state community services agency governance policy, shall be filled in the same manner as a regular appointment for the remainder of the unexpired terms.

(f) Members of the board shall not be compensated for services rendered to the agency, but will receive from the agency reimbursement for actual expenses to be paid in accordance with the comprehensive travel regulations promulgated by the commissioner of finance and administration and approved by the attorney general and reporter.

(g) The board shall elect a chair from among its members. The board shall also elect other officers as the board finds necessary and appropriate. Such positions are for a period of one (1) year, but officers may be reelected to serve additional terms.

(h) If any matter before the board involves a project, transaction or relationship in which a member or the member's associated institution, business or board has a direct or a conflicting interest, the member shall make known to the board that interest and shall be prohibited from participating in discussions and voting on that matter.

(i) The memberships of all community service agency boards of directors prior to the effective date of this act shall be vacated and shall be replaced by new appointments made to the board of directors pursuant to this section, effective July 1, 2011.

SECTION 7. Tennessee Code Annotated, Section 37-5-307, is amended by deleting subdivisions (4) and (5) and by substituting instead the following:

(4) Appoint an executive director with such appointment subject to the approval of the agency board. Nothing in this subdivision (4) shall prohibit the board from submitting recommendations to the commissioner for the appointment of the executive director;

(5) Require the agency to submit annual reports on each preceding fiscal year to reflect the nature and extent of all financial transactions and to assure financial integrity; and

SECTION 8. Tennessee Code Annotated, Section 37-5-311(a), is amended by deleting the language "each agency" and by substituting instead the language "the agency."

SECTION 9. Tennessee Code Annotated, Section 37-5-312(a), is amended by deleting the language "Each board" and by substituting instead the language "The board."

SECTION 10. Tennessee Code Annotated, Section 37-5-313(b), is amended by deleting the language "community services agencies" and by substituting instead the language "state community services agency."

SECTION 11. Tennessee Code Annotated, Section 37-5-314, is amended by deleting the word "agencies" and by substituting instead the word "agency."

SECTION 12. Tennessee Code Annotated, Section 37-5-315(2), is amended by deleting the language "community services agencies or their contractors" and by substituting instead the language "state community services agency or its contractors."

SECTION 13. Tennessee Code Annotated, Section 37-5-316, is amended by deleting the section and by substituting instead the following:

37-5-316.

(a) The state community services agency shall be eligible to be a participating employer in the Tennessee consolidated retirement system.

(b) All liabilities owed by a community health agency and all assets of whatever kind and nature and wherever located, including, but not limited to, real property, personal property, cash, equipment and fund balances held in the name of a community health agency shall be transferred to the state community services agency.

(c) The employees of a community health agency shall be transferred to the state community services agency, and such transfer shall not constitute a break in service for such employees.

(d) No action taken pursuant to this act shall be deemed to change the structure of the organization, formerly known as a community health agency, for federal tax reporting purposes, nor reduce employees' benefit-related plans including, but not limited to, retirement plans, deferred compensation plans, cafeteria plans and health plans.

(e) Contracts or leases entered into prior to May 21, 1996, by and between a community health agency and any entity shall continue in full force and effect as to all essential provisions in accordance with the terms and conditions of such contracts or leases as if such contracts or leases had originally been entered into by and between such entities and a community services agency, unless and until such contracts or leases are amended or modified by the parties thereto or until the expiration of such contracts or leases.

SECTION 14. Tennessee Code Annotated, Section 37-5-317, is amended in subsections (a), (d) and (f) by deleting the language "community services agencies" and by substituting instead the language "state community services agency."

SECTION 15. Tennessee Code Annotated, Section 37-5-319, is amended in subsections (a) and (c) by deleting the language "community services agencies" and by substituting instead the language "state community services agency."

SECTION 16. This act shall take effect July 1, 2011, the public welfare requiring it.